

ASSEMBLY BILL

No. 1338

Introduced by Assembly Member Huffman

February 23, 2007

An act to add Sections 30522.5 and 30522.7 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1338, as introduced, Huffman. Public resources: local coastal programs: nonpoint source pollution.

(1) The existing California Coastal Act of 1976 establishes procedures for the preparation, approval, and certification of local coastal programs. Under the act, a local government with a certified local coastal program, among other things, assumes review and permitting authority over coastal land and resources in the coastal zone, as defined.

This bill would enact the California Coastal Protection Act of 2007. The bill would require every local coastal government when preparing and adopting a local coastal program for certification by the California Coastal Commission, after consultation with the commission and the appropriate regional water quality control board, to include a nonpoint source pollution prevention element, within its local coastal program. This bill would additionally require a local coastal government submitting to the commission major amendments to a certified local coastal program, after consultation with the commission and the appropriate regional water quality control board, to submit with those amendments a nonpoint source pollution prevention element with policies for reducing nonpoint source pollution, consistent with the state's coastal nonpoint source pollution control plan. By imposing these requirements, the bill would impose a state-mandated local

program. The bill would also require the commission to assist local governments in obtaining grant funds to help defray the costs associated with the preparation of that nonpoint source pollution prevention element.

(2) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program.

This bill would provide that if a local government is subject to a NPDES permit that was approved or amended after March 1, 2000, the substantive provisions of an approved management plan adopted in compliance with that permit would be sufficient to satisfy the requirement of the nonpoint source pollution control element for those land uses and project development categories covered by the permit.

The bill would authorize a local government at its sole discretion to adopt stricter requirements than those applicable to land uses and project development categories covered by the permit. These provisions would not restrict the authority of the commission, a regional water quality control board, the State Water Resources Control Board, or a local government to implement management measures contained in the “Plan for California’s Nonpoint Source Pollution Control Program,” for those land uses and project development categories not covered by the NPDES permit or preclude the adoption of a stricter NPDES permit.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 California Coastal Protection Act of 2007.

3 SEC. 2. Section 30522.5 is added to the Public Resources Code,
4 to read:

5 30522.5. (a) Every local coastal government, when preparing
6 and adopting a local coastal program for certification by the

1 commission, shall, after consultation with the commission and the
2 appropriate regional water quality control board, include a nonpoint
3 source pollution prevention element within its local coastal program
4 that is consistent with the purposes set forth in Sections 30230 and
5 30231 and the “Plan for California’s Nonpoint Source Pollution
6 Control Program” prepared and adopted by the State Water
7 Resources Control Board and the California Coastal Commission
8 and approved by the United States Environmental Protection
9 Agency and the National Oceanic and Atmospheric Administration.

10 (b) The commission shall assist local governments in obtaining
11 grant funds to help defray the costs associated with the preparation
12 of that nonpoint source pollution prevention element of the local
13 coastal program, including, but not limited to, funds received from
14 the local government assistance grant programs.

15 (c) A local coastal government submitting major amendments
16 to a certified local coastal program, submitted to the commission
17 for approval and certification, shall, after consultation with the
18 commission and the appropriate regional water quality control
19 board, include with those amendments, a nonpoint source pollution
20 prevention element with policies for reducing nonpoint source
21 pollution consistent with the state’s coastal nonpoint source
22 pollution control plan.

23 (d) As used in subdivision (c), “major amendment” means any
24 amendment that is not minor or de minimus as described in
25 subdivision (c) or (d) of Section 30514 or Sections 13554 and
26 13555 of Title 14 of the California Code of Regulations.

27 SEC. 3. Section 30522.7 is added to the Public Resources Code,
28 to read:

29 30522.7. (a) If a local government is subject to a stormwater
30 national pollutant discharge elimination system (NPDES) permit
31 pursuant to Section 402(p) of the Clean Water Act (33 U.S.C. Sec.
32 1342(p)), that was approved or amended on or after March 1, 2000,
33 an applicable substantive provision of an approved management
34 plan adopted in compliance with that permit shall be deemed to
35 satisfy the requirement of subdivision (a) of Section 30522.5 for
36 a nonpoint source pollution prevention element for those land uses
37 and project development categories covered by that permit. At its
38 sole discretion, a local government may adopt stricter requirements
39 than those applicable to land uses and project development
40 categories covered by the permit.

1 (b) This section does not limit the authority of the commission,
2 a regional water quality control board, the State Water Resources
3 Control Board, or a local government to implement the
4 management measures set forth in the federally approved “Plan
5 for California’s Nonpoint Source Pollution Control Program,”
6 dated July 17, 2000, and as may be amended, for those land uses
7 and project development categories not covered by the NPDES
8 permit specified in subdivision (a) and consistent with Section
9 30412.

10 (c) This section does not preclude the adoption of a stricter
11 NPDES permit.

12 SEC. 4. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 a local agency or school district has the authority to levy service
15 charges, fees, or assessments sufficient to pay for the program or
16 level of service mandated by this act, within the meaning of Section
17 17556 of the Government Code.